

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Lynn R. Hunsberger on 10/29/09.

The application has been amended as follows:

In the specification at page 4, after "application." in line 18, insert the limitations of original claim 11 as follows: --- In one embodiment, composition exhibits self-adhesion properties when coated and dried to a film of about 0.025 millimeter in thickness.---

In the specification, line 1 of page 10, insert a paragraph before "Hydrophilic Component" with the limitations of original claim 6 as follows: ---In one embodiment, the chain extender is selected from the group consisting of water; ethylenediamine; 1,6-diaminohexane; piperazine; tris(2-aminoethyl)amine; amine terminated polyethers; adipic acid dihydrazide; oxalic acid dihydrazide; ethylene glycol; 1,4-butane diol; 1,8-octane diol; 1,2-ethanedithiol; 1,4-butanedithiol; 2,2'-oxytris(ethane thiol); di- and tri-mercaptopropionate esters of poly(oxyethylene) diols and triols; and mixtures thereof.---

In the specification at page 11, line 26, after "cation" insert --- and mixtures thereof---

In the claims,

In claims 36 and 51, amend the last two lines as follows:

M is a cation selected from the group consisting of Na, H, K, [and ]Li, [or a ]primary, secondary, tertiary, [or ]quaternary ammonium cation and mixtures thereof.

In claim 36, line 1, after “52” delete “.” and insert ---,---

In claim 37, line 1, delete “36” and insert ---52---

In claim 40, line 2, after “emollients” delete “.”

In claim 40, line 2, after “emollients” insert ---,---

In claim 40, line 3, after “humectants,” delete “other”

In claim 40, line 8, insert --- and--- after “callus removers,”

In claim 40, line 8, delete “,” after “callus removers”

In claim 40, line 8, after “wart removers” delete “and combinations thereof”

Claim 42. (Cancelled)

In claims 29 and 52, amend as listed below substituting comma for period in the body of the claims

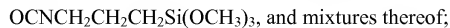
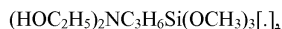
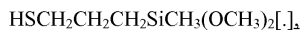
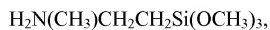
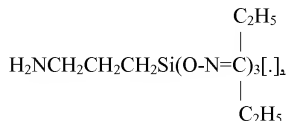
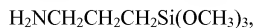
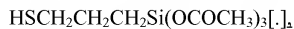
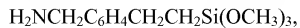
Therefore, claims 29, 36, 37, 40, 51 and 52 as amended showing markings are listed below:

Claim 29. (Currently Amended) A method of using a cosmetic article comprising:

(a) providing a cosmetic article containing a cosmetic composition which cosmetic composition contains in a dispensible form an aqueous dispersion of at least one polyurethane-urea polymer that is functionalized with at least one silyl containing component selected from the group consisting of:

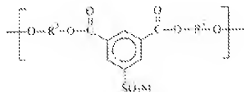


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- (b) applying said cosmetic article to a person's skin or nails; and
- (c) forming a film.

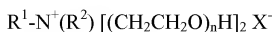
Claim 36. (Currently Amended) The method of use of claim 52 wherein said hydrophilic component comprises



wherein each  $R^3$  is independently a divalent aliphatic group having an average molecular weight of 200 to 600 comprising ether or ester functional groups selected from the group consisting of:  $-CH_2CH_2-(OCH_2CH_2-)_n-$ ,  $-CH(CH_3)CH_2-(OCH(CH_3)CH_2-)_n-$ ,  $-(CH_2)_4-(O(CH_2)_4)_n-$ ,  $-(CH_2)_mCO-[O(CH_2)_mCO]_n-$  groups, and mixtures thereof, where m is an integer, from about 2 to 5 and n is an integer from about 2 to 15, and

M is a cation selected from the group consisting of Na, H, K, [and ]Li, [or a ]primary, secondary, tertiary, [or ]quaternary ammonium cation and mixtures thereof.

Claim 37. (Withdrawn, Currently amended) The method of use claim [36]52, wherein said hydrophilic component is a cationic compound having the following structure:



wherein  $R^1$  is  $C_1$  to  $C_{18}$  alkyl or  $C_6$  to  $C_{18}$  aryl or aralkyl optionally substituted in and/or on the chain by N, O, S and combinations thereof;

$R^2$  is hydrogen or  $C_1$  to  $C_{18}$  alkyl;

n is an integer from about 1 to 200; and

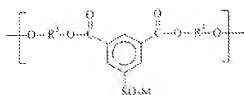
X is halogen, sulfate, methosulfate, ethosulfate, acetate, carbonate, or phosphate.

Claim 40. (Currently Amended) The method of use of claim 29 wherein said cosmetic article further comprising ingredients selected from the group consisting of emollients[.], humectants, [other] film forming polymers, propellants, pigments, dyes, buffers, organic suspending agents, inorganic suspending agents, organic thickening agents, inorganic

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thickening agents, waxes, surfactants, plasticizers, preservatives, flavoring agents, perfumes, sunscreen agents, insect repellents, vitamins, herbal extracts, skin bleaching agents, skin coloring agents, antiperspirant agents, deodorant agents, depilating agents, antifungal agents, antimicrobial agents, antiacne agents, astringents, corn removers, callus removers[, ] and wart removers[ and combinations thereof].

Claim 51. (Currently Amended) The method of use of claim 52, wherein said hydrophilic component comprises



wherein each  $R^3$  is independently a divalent aliphatic group having an average molecular weight of 200 to 600 comprising ether or ester functional groups selected from the group consisting of:  $-\text{CH}_2\text{CH}_2-(\text{OCH}_2\text{CH}_2-)_n-$ ,  $-\text{CH}(\text{CH}_3)\text{CH}_2-(\text{OCH}(\text{CH}_3)\text{CH}_2-)_n-$ ,  $-(\text{CH}_2)_4-(\text{O}(\text{CH}_2)_4)_n-$ ,  $-(\text{CH}_2)_m\text{CO}-[\text{O}(\text{CH}_2)_m\text{CO}]_n-$  groups, and mixtures thereof, where m is an integer, from about 2 to 5 and n is an integer from about 2 to 15, and

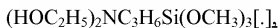
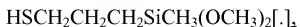
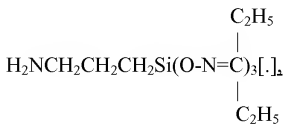
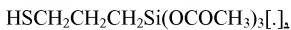
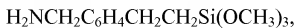
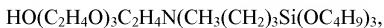
M is a cation selected from the group consisting of Na, H, K, [and ]Li, [or a ]primary, secondary, tertiary, [or ]quaternary ammonium cation and mixtures thereof.

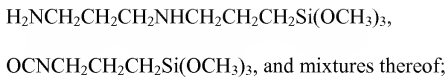
Claim 52. (Currently amended) A method of using a cosmetic article comprising:

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(a) providing a cosmetic article containing a cosmetic composition which cosmetic composition contains in a dispensable form an aqueous dispersion and a reaction product of

- (i) at least one isocyanate terminated polyurethane-urea prepolymer derived from the reaction of at least one polyisocyanate and at least one polyol,
- (ii) at least one polyfunctional chain extender,
- (iii) at least one silyl containing component selected from the group consisting of





- (iv) at least one hydrophilic component comprising at least one of an ionic group, a moiety capable of forming an ionic group, and a nonionic water soluble group;
- (b) applying said cosmetic article to a person's skin or nails; and
- (c) forming a film.

#### *Reasons for Allowance*

2. The following is an examiner's statement of reasons for allowance: Upon consideration, the rejection of claims 29, 31-34, 36, 39-41, 46-59 and 51-54 under 35 U.S.C. 103(a) as being unpatentable over Kantner et al. (US 6,433,073 B1) in view of Baghdachi et al. (US 4,954,598) is withdrawn in view of applicant's statement on the record that US 6,433,073 and the examined application were commonly owned at the time of the invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### **Rejoinder**

3. Claims 29, 31-34, 36, 39-41, 46-49 and 51-54 are allowable. Claim 37, previously withdrawn from consideration as a result of a election requirement, requires all the limitations of an allowable claim. Pursuant to the procedures set forth in MPEP § 821.04(a), **the election**

**requirement between hydrophilic components as set forth in the Office action mailed on 9/13/2006, is hereby withdrawn** and claim 37 is hereby rejoined and fully examined for patentability under 37 CFR 1.104.

4. In view of the withdrawal of the election requirement, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

5. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BLESSING M. FUBARA whose telephone number is (571)272-0594. The examiner can normally be reached on 7 a.m. to 5:30 p.m. (Monday to Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blessing M. Fubara/  
Examiner, Art Unit 1618